

TJM

FILED

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

CLERK'S OFFICE
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Juan Jose RIVERA**AKA: Pedro GARCIA-Martinez**

Defendant.

Magistrate Case No. DEPUTY**'08 MJ 1132**COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section

1324(a)(2)(B)(iii)-

Bringing in an Illegal Alien
Without Presentation

The undersigned complainant being duly sworn states:

On or about **April 11, 2008**, within the Southern District of California, defendant **Juan Jose RIVERA AKA: Pedro GARCIA-Martinez**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, **Maribel SALAZAR-Mendoza**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs
and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 14th DAY OF April, 2008.



Brian T. Major
UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

I, United States Customs and Border Protection (CBP) Enforcement Officer Fernando Cerdá, declare under penalty of perjury the following to be true and correct:

The complainant states that Maribel SALAZAR-Mendoza is a citizen of a country other than the United States; that said alien has admitted she is deportable; that her testimony is material; that it is impracticable to secure her attendance at trial by subpoena; and that she is a material witness in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On April 11, 2008 at approximately 7:41 AM, Juan Jose RIVERA AKA: Pedro GARCIA-Martinez (Defendant) made application for admission into the United States at the Tecate Port of Entry. Defendant was the driver and sole visible occupant of a black 1981 Volkswagen truck. Upon inspection before a CBP (Customs and Border Protection) Officer, Defendant presented his State of Nevada Driver License and declared he was a United States citizen. Defendant further gave a negative Customs declaration. Defendant claimed that the vehicle belonged to his friend; furthermore, he claimed he had picked up the vehicle for his friend and was taking it to Chula Vista, California. The Officer queried the vehicle and noticed the vehicle had no crossing history. The Officer elected to refer the vehicle to secondary for a more thorough inspection.

In secondary, CBP Officers discovered a female concealed in a non-factory compartment affixed to the undercarriage of the truck bed. CBP Officers removed a carpet, a pallet and a gallon container from the truck's bed to discover and access panel to the compartment. The Officers lifted the access panel and assisted the female out of the compartment. The female was determined to be an undocumented citizen of Mexico and is now identified as Maribel SALAZAR-Mendoza (Material Witness).

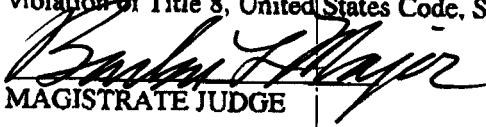
During a videotaped interview Defendant was advised of his Miranda rights. Defendant acknowledged his rights and elected to answer questions without an attorney present. Defendant admitted he was attempting to smuggle an undocumented alien in the vehicle he was driving. Defendant admitted he was going to receive a monetary payment of \$300.00 USD to drive the vehicle into the United States and drop it off at a parking lot outside the Tecate Port of Entry.

On a separate videotaped interview, Material Witness declared she is a citizen of Mexico with no legal documents to enter the United States. Material Witness stated she was going to Colinga, California. Material Witness indicated she paid alien smugglers \$1,000.00 USD in advance to get smuggled into the United States.

 EXECUTED ON THIS 11th DAY OF April 2008 AT 4:00 PM.
7238

Fernando Cerdá / CBP Enforcement Officer

On the basis of the facts presented in the Probable Cause Statement consisting of (1) page, I find probable cause to believe that the defendant named therein committed the offense on April 11th, 2008 in violation of Title 8, United States Code, Section 1324.

 MAGISTRATE JUDGE

4/12/08 at 11:13 am
DATE TIME